



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 12, 1996

Ms. Stephanie F. Lippard  
Legal Assistant  
Fielding, Barrett & Taylor, L.L.P.  
3400 Bank One Tower  
500 Throckmorton Street  
Fort Worth, Texas 76102-3821

OR96-1421

Dear Ms. Lippard:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100023.

The City of Burleson (the "city") received a request for information for police reports that involve one or more juveniles. You ask whether these reports are excepted from required public disclosure under section 552.101 of the Government Code as information made confidential by law.

The release of law enforcement records of offenses committed by juveniles before January 1, 1996 is governed by former Family Code section 51.14(d),<sup>1</sup> which provides, in pertinent part:

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<sup>1</sup>The Family Code was substantially amended by the Seventy-fourth Legislature including the repeal of section 51.14. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Sess. Law Serv. 2517, 2590. However, the amendments to the Family Code apply only to conduct that occurs on or after January 1, 1996. *Id.* § 106, 1995 Tex. Sess. Law Serv. at 2591. "Conduct that occurs before January 1, 1996, is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose." *Id.* The requested information concerns conduct that occurred before January 1, 1996.

(d) Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

(1) a juvenile court having the child before it in any proceeding;

(2) an attorney for a party to the proceeding; and

(3) law-enforcement officers when necessary for the discharge of their official duties.<sup>2</sup>

In Open Records Decision No. 181 (1977) at 2, this office held that former section 51.14(d) excepts police reports which identify juveniles or furnish a basis for their identification. *See also* Open Records Decision No. 394 (1983) at 4-5 (applying former Fam. Code § 51.14(d) to "police blotter" and related information). You do not indicate that the offense report at issue here relates to charges for which the city transferred the juvenile under section 54.02 of the Family Code<sup>3</sup> to a criminal court for prosecution, nor that article 15.27 of the Code of Criminal Procedure<sup>4</sup> applies. Moreover, we do not understand any of the exceptions to former section 51.14(d) to apply here.<sup>5</sup> Accordingly, we conclude that the city must withhold the requested information under section 552.101 as information deemed confidential by law.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

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<sup>2</sup>Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 3, 1993 Tex. Gen. Laws 1850, 1852, *repealed* by Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Sess. Law Serv. 2517, 2590.

<sup>3</sup>Act of May 25, 1973, 63d Leg., R.S., ch. 544, § 1, 1973 Tex. Gen. Laws 1460, 1476-77, *amended by* Act of May 19, 1975, 64th Leg., R.S., ch. 693, §§ 15-16, 1975 Tex. Gen. Laws 2152, 2156-57 (adding subsecs. (m), (j), (k), (l)), *amended by* Act of May 8, 1987, 70th Leg., R.S., ch. 140, §§ 1-3, 1987 Tex. Gen. Laws 309 (amending subsecs. (a), (h), (j)).

<sup>4</sup>Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 1, 1993 Tex. Gen. Laws 1850-51.

<sup>5</sup>*See id.* § 3, 1993 Tex. Gen. Laws at 1852 (repealed 1995) (former Fam. Code § 51.14(d)(1), (2), (3)).

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'RWS', with a stylized flourish at the end.

Robert W. Schmidt  
Assistant Attorney General  
Open Records Division

RWS/ch

Ref: ID# 100023

Enclosures: Submitted documents

cc: Mr. Micheal Jennings  
532 N.W. Janie Lane  
Burleson, Texas 76028  
(w/o enclosures)